



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 30 1996

MEMORANDUM

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

SUBJECT: National Remedy Review Board Recommendations on the
Petrochem/Ekotek Superfund Site.

FROM: Bruce Means, Chairman *Bruce Means*
National Remedy Review Board

TO: Max Dodson, Assistant Regional Administrator
Office of Ecosystems Protection and Remediation
EPA Region 8

Purpose.

The purpose of this memorandum is to document the findings of the National Remedy Review Board (NRRB) on the proposed remedial action for the Petrochem/Ekotek Superfund Site in Utah.

Background.

As you recall, the NRRB was established as one of the October 1995 Superfund Administrative Reforms to help control remedy costs and promote both consistent and cost-effective decisions at Superfund sites. All proposed cleanup actions are to be reviewed by the Board where: (1) the estimated cost of the preferred alternative exceeds \$30M; or (2) the preferred alternative costs over \$10 M and this cost is 50% greater than that of the least-costly, protective, ARAR-compliant alternative. In its review, the NRRB considers the nature and complexity of the site; health and environmental risks; the range of alternative actions considered to address site risks; the quality and reasonableness of the cost estimates for alternatives; regional, State/tribal, and other stakeholder opinions on the proposed actions to the extent they are known at the time of review; and any other relevant factors or program guidances.

Generally, the NRRB makes "advisory recommendations" to the appropriate Regional decision maker prior to issuance of the proposed plan who is expected to give the Board's recommendations substantial weight. However, other important factors may influence the final Regional decision such as subsequent public comment or technical analyses of remedial options. It is important to remember that the NRRB does not change the Agency's delegation authorities or alter in any way the public's current role in site decisions. This Reform is intended to bring to bear the programs extensive experience on decisions at a select number of high stakes sites.

NRRB Findings.

The NRRB reviewed the proposed plan for the Petrochem/Ekotek site along with other relevant site information and discussed related issues with the EPA Regional Project Manager and State of Utah participants (J.D. Keetly, Project Manager, and Brad T. Johnson, CERCLA Branch Manager) on January 31, 1996. Based on this review and discussion, the members of the NRRB make the following observations:

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) sets forth program expectations for the Agency in developing appropriate remedial alternatives. One such expectation is to treat principal threats, wherever practicable. Another expectation is to contain low level threats, because treatment for these wastes is likely not to be cost effective or practicable. For many sites, the NCP further states that EPA expects to use a combination of treatment and containment. While no exact definition of principal threat and low-level threat has been provided, EPA has issued "A Guide to Principal Threat and Low Level Threat Wastes," which indicates that low level threats would include "low toxicity source material... soil concentrations not greatly above reference dose levels or that present an excess cancer risk near the acceptable risk range."

o Based on these NCP expectations and previous program experience, the NRRB fully supports the proposed remedial approach for addressing light non-aqueous phase liquids (LNAPLs), soil hot spots, and contaminated debris which constitute the principle threats at the Petrochem site. The NRRB also fully supports the proposed approach for addressing contaminated groundwater.

o However, based on the analysis of available information and related discussions, as well as other NCP expectations and Superfund program experience, the NRRB recommends the following:

-- The Region should reconsider the action proposed to address the low level contaminated soils at this site (i.e. thermal desorption). The Board believes that other approaches to remediating the threat of low level soil contamination, which could still fully satisfy the NCP, are available at significantly lower cost.

-- The Region should continue to work closely with the State, community and other stakeholders to consider approaches taken at similar sites in other Regions, where low level soil contamination has been addressed through offsite disposal at a Subtitle D facility, use of various cover materials, containment, and/or land use controls or deed restrictions. These alternative approaches for addressing Superfund low level threats are fully protective of human health and the environment and allow for a wide range of recreational, commercial, or other beneficial uses.

-- Notwithstanding the above comments, the NRRB also acknowledges that, overall, the proposed approach is not inconsistent with the NCP remedy selection criteria. The Board further recognizes that the Region must take into account the opinions of the community and the State in making remedy selection decisions. Based on the information presented to the Board, it appears

that in this case these two modifying criteria are the main drivers for the preference of a more costly remedy.

The NRRB appreciates the extensive Regional efforts already made in working closely with the State, community, and responsible parties to identify the currently proposed remedy. However, the NRRB believes that the Region may benefit from considering other less costly alternatives that address only the principal threats through treatment while yielding fully beneficial property use with minimum restrictions.

The Board members especially want to thank the Region and the State of Utah for their participation in the review process. We encourage Region 8 management and staff to work with the Regional NRRB representative and the OERR Region 3/8 Service Center at Headquarters to discuss appropriate followup actions. If you have any questions, please do not hesitate to call me at 703-603-8815.

cc: S. Luftig
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